

03 CR 929

05 CR 060

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y.

★ MAY 17 2010 ★

I respectfully write the court ~~that~~ ^{that} the court allow my cousin to visit accompanied by one of my attorneys so I could seek financial help in hiring a writer for the following reasons:

Additional newly discovered evidence has revealed that in late 2006 and possibly early 2007, prior to the government's ex-parte meeting with magistrate Levy, witnesses went before the 03 CR 929 and 05 CR 060 Grand Jury, that testified about an alleged "hit-plot" involving the alleged "hit-list".

These witnesses who testified either exculpate me from events surrounding the alleged "hit-list" or have favorable evidence that the defense should have received when (1) The government vouches for the credibility of the witness during an ex-parte meeting with magistrate Levy. Judge Levy states "Most problematic for Basciano is the hit-list" (2) When the government uses evidence involving anything to do with the alleged "hit-list" in order for the Attorney General to authorize me for death (3) When the defense asked the court to strike any reference to a "hit-list" that appeared in my PSI (4) When the Attorney General put me under SAMs

⑤ When the Defense ARGUED to this court, the Second Circuit AND the Supreme Court in our habeas Petition

Furthermore the government continued to purport to this court, on July 10th 2007, DURING cross examination of Tartaglione, that the list was in fact a hit-list:

Ms. Busa: My objection is these questions may well be elicited or may be designed to figure out where this witness currently lives. This witness obviously AS YOUR HONOR KNOWS, has been on a "hit-list". I do not want this elicited. Trial II 2600-02, July 10th 2007.

For the government to have objected to the defense cross examination of Tartaglione when the government was in possession of favorable evidence that the defense should have received is UNCONSCIONABLE. Nor is this the first time that the government has used this ploy: See rule 33 filed 3/24/10 pages 19-33.

It appears that it was the government AND NOT the defendant who used the "list" as a subterfuge in order to accomplish what they couldn't without it. i.e. Put me IN SAMs, Getting the A.G. to authorize me for death, AND have me designated to ADX.

It has been the government who has used the list as a "thinly disguised veil" as a pretext not to bring in the list in their direct case because it would "prejudice" me. However that argument is belied by the fact that the government presented evidence surrounding the list into the 03 CR 929 AND 05 CR 060 Grand Jury, Prior to S-7 in 03 CR 929, that inflamed the Grand Jury.

I submit to the court the reason why the government will never introduce this alleged "hit-list" into the guilt phase of my up-coming Death penalty trial, because ethically, if the government were to abide by their responsibilities, they would have to turn over the Grand Jury testimony that will be favorable to my defense.

For Four years now I have repudiated the governments allegations that the list of names I wrote were to be used as a hit-list or an artifice to recuse the court. I wrote letters to the court and signed an Affidavit to attest to what I've said from the time the government alleges that it was a hit-list; that it was an innocuous list in order to take the negativity away from me.

Since these are new facts that could not have been raised in our earlier brief I believe we have merit to bring forth another habeas Petition.

Mr. Goltzer is not a writer. Nor does he have the time to undertake another assignment. I'm not the only case that Mr Goltzer is working on. Therefore I respectfully ask the court to grant my request to see if my cousin could accomodate me in hiring a writer who can spend the time only on the issues I've outlined in this letter

Thank-You. Respectfully
Vin J Basciano

Vincent John Basciano

P.S

IF the court could kindly forward a copy of this letter to both Michael Bachrach and Randall Unger in addition to my attorney's on 05 or 060

Thank- you

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